

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

1

QUESTIONS	ANSWERS
STD/LTD-WORKING & LTD	
<p>An Initiation and/or Determination Report have been received notifying the agency of the claim and then authorizing STD. What should the agency do?</p>	<p>1. <i>The agency should:</i></p> <ul style="list-style-type: none"> • <i>Discuss with employee leave type to use to cover waiting period and period of STD when income goes below 100%, including use of Disability Credits (sick leave cannot be used during STD);</i> • <i>Determine FMLA eligibility, designate leave as FMLA, track FML hours, and notify employee. See Policy 4.20 – Family Medical Leave;</i> • <i>Determine expected dates of the approved absence based on information received from CORE; (e-mail the Determination Report received from CORE to the departmental contact);</i> • <i>Reminder: file Workers' Compensation form if work related illness or injury;</i> • <i>File CORE Report, notify internal staff as necessary.</i> <p>2. <i>The VSDP Coordinator should communicate the following to the employee on STD upon receipt of Determination Report:</i></p> <ul style="list-style-type: none"> • <i>FMLA benefits, if eligible;</i> • <i>Leave type to cover waiting period.</i> • <i>Leave type (annual, compensatory, overtime or family and personal leave) to use to receive 100% pay if the employee goes into 80% or 60% pay, including Disability Credits.</i> • <i>Any agency specific procedures for VSDP employees.</i> • <i>The need to maintain contact with employee's supervisor during disability and to provide updates as changes occur. Agencies need to develop and document this process.</i> • <i>Reminder to file First Report of Injury with Workers' Compensation if work related illness or injury.</i> <p><i>Agencies may receive a combination Initiation/Determination Report when they are processed on the same day. If agencies receive an Initiation report, but the</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

2

QUESTIONS	ANSWERS
<p>A CORE Job Modification Form has been received that releases an STD employee to return to work with restrictions. What should the agency do?</p>	<p><i>case is not approved, CORE will then send a closure report.</i></p> <p><i>The VSDP Coordinator should contact the employee's department to determine if the restrictions can be accommodated. The department may want to consult with Human Resources regarding restrictions. If it is determined that the restrictions <u>cannot</u> be accommodated, the coordinator must notify CORE within three work-days, and the employee will continue on STD.*</i></p> <p><i>If it is determined that the department can accommodate the requested restrictions, the coordinator must notify CORE within three workdays and bring the employee back to work according to modifications received from CORE.</i></p> <p><i>NOTE: Employee still remains in STD. STD working status affords employees the benefit of accruing leave.</i></p> <p><i>**New: If the employee is released with restrictions to work a full schedule, and if the restrictions do not affect the essential job functions, as determined by the agency, then CORE will close the STD claim and consider the employee returned to work full-time/full-duty.</i></p> <p><i>STD working status does not require any minimum hours of work.</i></p>
<p>What are the effects of STD working status on an employee's benefits and leave?</p>	<p><i>An employee continues to receive the following benefits while working in STD status:</i></p> <ul style="list-style-type: none"> <i>• Healthcare coverage with premiums being paid by employer/employee;</i> <i>• Life insurance coverage;</i> <i>• FMLA, if the employee is eligible. Only hours <u>not worked</u> are tracked for FMLA purposes;</i> <i>• Annual leave accrual either continues or reactivates. If annual leave is accruing due to the 60 consecutive workday provision, then leave continues. If annual leave has stopped accruing, then it will start again at the completion</i>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

3

QUESTIONS	ANSWERS
	<p><i>of a full pay period. Accrual is based on employee's pre-disability accrual rate unless employee's anniversary date has passed.</i></p> <ul style="list-style-type: none"> <i>For employees who work at levels consistent with the definition of "active employment"(at least 20 hours per week), Sick, and Family and Personal Leave will be credited to the employee if yearly leave was not credited on January 10. Accrual is based on employee's months of state service as of January 10, and current full-time/part-time status.</i> <i>Hours of STD, including hours in STD working status, count towards the 180-calendar day waiting period before transitioning into Long Term Disability (LTD).</i> <p><i>Note: Employees working while in STD status are responsible for working hours assigned by his/her department based on restrictions from CORE. If an employee is absent during assigned work hours he/she is responsible for using accrued leave to cover the absence. If leave balances are exhausted the employee will go into a LWOP status for the pay period and annual leave will not accrue.</i></p>
<p>How does an agency handle annual leave accruals for an employee who is working while in STD status and then goes back into STD non-working status?</p>	<p><i>The employee continues to accrue annual leave for a period of 60 consecutive workdays following the return to full STD. The 60 workday provision begins anytime an employee returns to STD from an STD working status.</i></p>
<p>An employee in an STD working status received his/her yearly VSDP leave credits (sick, family and Personal leave) based on his/her part-time status. The employee is now ready to return to full-time/full-duty. Is the employee due anymore VSDP leave?</p>	<p><i>If the employee was working less than 100% then the employee would receive the difference between what he/she would have received in a full-time status, and what he/she received for part-time status. Example: a full-time employee with 65 months of service receives 72 hours of Sick Leave and 32 hours of Family and Personal Leave. If the employee returns in a part-time status in Feb., he/she will receive 32 hours of Sick Leave and 32 hours of Family and Personal Leave. When the employee returns full-time/full-duty, 40 hours of Sick Leave will be added to VSDP leave (32 + 70 = 72). No additional Family and Personal Leave will be added.</i></p>
<p>Does an employee need to be in an STD-</p>	<p><i>Yes. In order for an employee to go into LTD-working status he/she must be in an</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

4

QUESTIONS	ANSWERS
working status when transitioning to LTD in order to be considered LTD-working?	<i>STD-working status on the 180th day of the waiting period. If the employee is not in an STD-working status on the 180th day, he/she cannot be placed in LTD-working on the 181st day. To be in LTD-working status, the employee also must work at least 20 hours per week in his/her own position on a continuing basis ("active employment"). If the employee was not in STD working on the 180th calendar day, or if the agency cannot continue to accommodate restrictions, the employee will be placed in LTD status.*</i>
What benefits does an employee receive while in LTD-working status?	<p><i>Following are the effects of LTD-working on an employee's benefits:</i></p> <ul style="list-style-type: none"> • <i>Annual Leave – an employee working less than 100% receives has his/her annual leave pro-rated to correspond to the percentage of full-time. (Ex: An employee accruing 8 hours of leave at 100% will accrue 4 hours of leave at 50% FTE).</i> • <i>VSDP Leave (Sick Leave, Family and Personal Leave) –will be credited based on the employee's total months of service as of January 10th and full-time or part-time status.</i> • <i>Healthcare – healthcare premiums continue with employer/employee payment of premium. Employees do not receive the VRS healthcare credit</i> • <i>Retirement – Employees receive VRS service credit and salary credit towards VRS service (based on his/her pre-disability income) for the period they are in LTD-working status. No employee or employer contributions are to be reported to VRS by the agency.</i> • <i>Life Insurance – life insurance coverage continues. No premiums are paid by the agency.</i> • <i>COBRA – time spent in LTD-working counts towards COBRA entitlement.</i>
What issues should agencies consider when an employee is in LTD-working status?	<p><i>Agencies need to submit a VSDP LTD-Working Form to CORE reporting wages paid during the month. (Ex: Wages paid by checks issued on 6/1/01 and 6/16/01 checks should be reported for the month of June)</i></p> <ul style="list-style-type: none"> • <i>Review an employee's LTD-working status every 30 days to ensure the</i>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

5

QUESTIONS	ANSWERS
What if the employee is FMLA eligible?	<p><i>agency can continue the restrictions. If the agency cannot continue the restrictions, the employee is placed back into LTD status (non-working).*</i></p> <ul style="list-style-type: none"> • <i>Send COBRA information to the employee.</i> <p><i>If the employee still has FMLA eligibility the agency will need to inform the employee that the time is being counted towards FMLA, and record the hours worked for FMLA tracking. FMLA ensures job protection for the period of eligibility and continues to require employer payment of healthcare premium.</i></p>
What should an agency do when an employee moves from STD to LTD?	<p><i>The agency should take the following actions when an employee goes from STD to LTD or LTD-working to LTD.</i></p> <ul style="list-style-type: none"> • <i>Pay employee for any annual, compensatory, or overtime leave based on Department of Human Resource Management Policy.</i> • <i>Transfer Disability Credits (if applicable) to CORE. A balance of less than 8 hours is paid out based on policy. Note: Employees do not receive payment for any sick or family and personal leave. This leave is lost.</i> • <i>Communicate COBRA, healthcare and other LWOP information to the employee if employee was not in LTD-working status prior to going into LTD.</i> • <i>Communicate that the job is or is not being held.</i> • <i>Complete the VSDP LTD Payment Deduction Form and submit to CORE.</i> • <i>Key the appropriate PMIS transaction.</i> <p><i>When an employee is in LTD, he/she is considered an inactive employee of the state. If the employee still has FMLA eligibility when transitioning into LTD, the agency will need to continue to provide health care coverage until the eligibility ceases. In addition, the employee will continue to have job protection for the period of FMLA eligibility. In other words, the job cannot be filled. Contact Health Benefits for assistance in processing benefits for an employee in LTD with FMLA eligibility.</i></p>
What should an agency do when an employee	<p><i>Note: An employee cannot go into LTD-working from LTD status.</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a “disability” as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

6

QUESTIONS	ANSWERS
<p>on full LTD employee is released to return-to-work with restrictions?</p>	<ul style="list-style-type: none"> <i>The only way an agency can hire an employee that is in LTD status, who has been released to return with restrictions, is in an hourly position. The agency will need to complete the VSDP LTD-Working Form each month to report wages paid in order for CORE to offset the employee's LTD disability benefit. The employee continues to be in LTD status.</i> <i>If the agency cannot accommodate the restrictions, the employee continues in LTD status and there is no offset to VSDP benefit.*</i> <p><i>The employee continues to receive the VRS healthcare credit and is billed directly by the vendor for the healthcare premium.</i></p>
<p>What occurs when an employee is released by CORE to return to full-time/full-duty from LTD status?</p>	<p><i>If the agency has held the employee's pre-disability position open, then the employee is reinstated. The following is how the employee's benefits are affected:</i></p> <ul style="list-style-type: none"> <i>Annual leave – the employee will begin to accrue annual leave based on years of state service. The employee must complete a full pay period before accruals begin. Time spent on LTD does not count towards years of service for accruals.</i> <i>Annual Leave Buyback – Employees returning to active status from LTD can buy back annual leave if they return within 18 months.</i> <i>VSDP leave – if the employee did not receive the VSDP leave credits on January 10, credits would be applied based on the employee's months of state service as of January 10. If the employee received VSDP credits for the year and is returning prior to January 10, any VSDP leave lost when transitioning to LTD will be restored (sick and family and Personal). (ex: employee went into LTD on July 16. On November 25 the employee is released to return full time/full duty. The agency should restore the sick leave and family and personal leave the employee lost on July 16). Time spent on LTD does not count towards months of service for accruals.</i> <i>Key reinstatement action in PMIS. Close VSDP file and reinstate the employee from LTD.</i> <p><i>If the position no longer is available, the agency separates the employee from PMIS/BES using the date provided by CORE. Agencies should prepare a HIPAA</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

7

QUESTIONS	ANSWERS
	<i>Certification to be mailed to the employee and dependents regarding portability of health care coverage. Use PMIS Code PSE139 (separated-LTD)</i>
MISCELLANEOUS QUESTIONS	
How do agencies know if CORE has communicated FMLA information to affected employees receiving VSDP benefits?	<p><i>CORE does not notify employees of FMLA eligibility or qualification. CORE will indicate on the Determination Report that the disability qualifies as a FMLA eligible condition.</i></p> <p><i>Agencies must:</i></p> <ul style="list-style-type: none"> • <i>determine if employee meets the eligibility criteria; and</i> • <i>notify the employee that absence will be designated as FML.</i> <p><i>To be eligible, an employee must have been employed by the Commonwealth for at least 12 months (do not have to be consecutive), and worked at least 1250 hours during the 12 months immediately preceding the FMLA absence.</i></p> <p><i>If the employee is eligible and the disability is qualifying FMLA condition, the agency should provide appropriate notification, in writing, to the employee regarding FMLA designation and track the FML hours.</i></p>
How is the Probationary Period affected by periods of STD, STD-working status and LTD-working?	<p><i>Probationary periods must be extended when probationary employees are on any leave with or without pay for more than 14 consecutive calendar days. Extensions include the first 14 days of absence, as well as those days in excess of 14, up to return to work date.</i></p> <p><i>An employee in STD working status is considered to be on Leave With Pay. Any time spent on STD, STD working status, or LTD-working status will affect/extend the employee's probationary date When the employee is released full-time/full-duty the probationary date should be appropriately adjusted if the period of absence was more than 14 consecutive calendar days.</i></p>
How should employers handle employees in STD or LTD-working who return to work with doctor notes prior to receiving official	<i>If an employee presents a "doctor's note" to his/her agency stating the employee can return to work full-time/full duty (prior to the authorized end date), the agency may allow the employee to return to work immediately. Agencies should</i>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

8

QUESTIONS	ANSWERS
documentation from CORE?	<p><i>take the following steps if this occurs:</i></p> <ul style="list-style-type: none"> • <i>Fax a copy of the doctor's note to CORE;</i> • <i>Call CORE to verify the note is from the LTP who certified the disability under the VSDP and update CORE as to agency's ability to accommodate.*</i> <p><i>If the doctor's note indicates restrictions the agency must review the request and determine if the restrictions can be accommodated. If clarification is needed regarding restrictions, the coordinator should contact CORE for assistance. Employee may be sent home until restrictions are coordinated with CORE.*</i></p> <p><i>However, if the restrictions are clear and CORE confirms the doctor's note is from the LTP who certified the disability under VSDP, the employee may be returned to work immediately, if the agency can accommodate the restrictions. A Job Modifications form and/or determination action report (with RTW details and restrictions) will be forwarded by CORE to the agency.</i></p>
How is STD Intermittent Major-Chronic Leave tracked?	<p><i>Employees approved for intermittent major chronic STD will have periods of approved absence counted towards STD. Each period of absence for the original STD claim counts towards the 180-calendar day waiting period for LTD. Absences can be in periods of a day, days or weeks. A Determination Report will be received for each absence. Agencies will have to track intermittent days and the 180-calendar day waiting period. This time may count towards FMLA as well.</i></p>
VSDP/WORKERS' COMPENSATION	
How does the 92-day rule apply to employees with Workers' Compensation claims that are enrolled in the VSDP?	<p><i>Workers' Compensation Policy 4.60 does not apply to employees enrolled in the VSDP. The 92-day policy applies only to employees covered by the Traditional Sick Leave Program and Workers' Compensation claims approved for coverage by Department of Human Resource Management's Office of Workers' Compensation where the employee is NOT enrolled in the VSDP.</i></p>
Since the 92-day rule doesn't apply to VSDP participants, what coverage do VSDP covered employees have?	<p><i>Employees covered by VSDP, who have received a determination from the Office of Workers' Compensation that the claim is covered, are provided benefits by the VSDP based upon the work-related benefit table offset by any Workers'</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

9

QUESTIONS	ANSWERS
	<p><i>Compensation benefits. Workers' Compensation benefits are always primary. Both the VSDP and Workers' Compensation have a 7-calendar day waiting period for commencement of salary benefits. Employees are covered up to 180-calendar days for STD.</i></p> <p><i>If an employee is absent more than 21 days, Workers' Compensation reimburses the agency for the first seven (7) days at 66 2/3% of the average weekly wage within a minimum and maximum amount set by the Workers' Compensation Commission. The agency then credits the employee's leave balances with the value of the workers' compensation paid for the period and the employee continues to be charged leave for the balance.</i></p> <p><i>NOTE: Before starting STD payments for a Workers' Compensation/VSDP claim, agencies must receive an action report from CORE indicating an approved WC claim. If Workers' Compensation cannot make a decision immediately, CORE may determine that it is appropriate to approve STD/non-work related. Agencies may only pay non-work related disability benefits based upon the action report. The agency CANNOT assume that Workers' Compensation will be authorized at a later date and pay at the higher Workers' Compensation rate. All pay decisions must be based upon action reports received from CORE.</i></p> <p><i>Once the Workers' Compensation claim is approved, agencies will receive another action report from CORE and can increase benefits to the work-related disability level or workers' compensation benefit level, whichever is greater, based upon the action report and the Workers' Compensation Memorandum of Agreement provided by Workers' Compensation. Retroactive adjustments to payroll must occur upon approval by Workers' Compensation. (See the DOA CAPP Manual Policy 50500 Paying the Employee for extensive information on payroll policies.)</i></p>
How do agencies handle an employee on STD (Workers' Compensation) who files another	<p><i>CORE and Workers' Compensation must evaluate these claims individually. Depending upon the circumstances, a new disability claim may be authorized by</i></p>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

10

QUESTIONS	ANSWERS																
disability claim (non Workers' Compensation)?	<p><i>CORE. The agency would close the existing VSDP work-related claim and open a new VSDP non-work related STD claim.</i></p> <p><i>When the non-work related claim is closed, CORE and Workers' Compensation will determine if the STD-work-related disability claim should be reopened.</i></p>																
<p>How are medical appointments related to a Workers' Compensation claim handled for employees who have been released full-time/full duty, with restrictions or without restrictions, from a VSDP (Workers' Compensation) disability?</p>	<p><i>When employees are absent for Workers' Compensation medical appointments, the employees must use accrued leave to cover the lost time until a determination is made by the Office of Workers' Compensation that the period of disability is covered, related, and payable. The employer needs to immediately submit a Workers' Compensation Supplemental Form (VWC #3-A) to the Office of Workers' Compensation. If lost time is authorized and a payment is owed by the Office of Workers' Compensation, the agency will receive payment in the amount of 66 2/3% of the Average Weekly Wage within the minimum and maximum rates to partially cover the employee's lost time. The agency then credits the employee leave for the value of the Workers' Compensation payment received. The employee is required to continue to use leave for the difference. (See the DOA CAPP Manual Policy 50500 Paying the Employee for extensive information on payroll policies.)</i></p> <p><i>Note: Many times there will be no payment for these short brief absences because of pay increases the employee may have received since the injury or due to a statute of limitations that prohibits the payment of Workers' Compensation benefits.</i></p>																
PMIS CODES																	
What are the PMIS codes used for VSDP absences?	<table> <tr> <td><i>STD (non-Workers' Compensation)</i></td><td><i>PSE034</i></td></tr> <tr> <td><i>Leave Code</i></td><td><i>10</i></td></tr> <tr> <td><i>STD (Workers' Compensation)</i></td><td><i>PSE035</i></td></tr> <tr> <td><i>Leave Code</i></td><td><i>12</i></td></tr> <tr> <td><i>LTD-working (non-Workers' Compensation)</i></td><td><i>PSE180</i></td></tr> <tr> <td><i>Leave Code</i></td><td><i>14</i></td></tr> <tr> <td><i>LTD-working (Workers' Compensation)</i></td><td><i>PSE181</i></td></tr> <tr> <td><i>Leave Code</i></td><td><i>15</i></td></tr> </table>	<i>STD (non-Workers' Compensation)</i>	<i>PSE034</i>	<i>Leave Code</i>	<i>10</i>	<i>STD (Workers' Compensation)</i>	<i>PSE035</i>	<i>Leave Code</i>	<i>12</i>	<i>LTD-working (non-Workers' Compensation)</i>	<i>PSE180</i>	<i>Leave Code</i>	<i>14</i>	<i>LTD-working (Workers' Compensation)</i>	<i>PSE181</i>	<i>Leave Code</i>	<i>15</i>
<i>STD (non-Workers' Compensation)</i>	<i>PSE034</i>																
<i>Leave Code</i>	<i>10</i>																
<i>STD (Workers' Compensation)</i>	<i>PSE035</i>																
<i>Leave Code</i>	<i>12</i>																
<i>LTD-working (non-Workers' Compensation)</i>	<i>PSE180</i>																
<i>Leave Code</i>	<i>14</i>																
<i>LTD-working (Workers' Compensation)</i>	<i>PSE181</i>																
<i>Leave Code</i>	<i>15</i>																

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a "disability" as defined by ADA.

03/19/2002

VSDP FAQ'S FOR VSDP COORDINATORS AND HUMAN RESOURCE DEPARTMENTS

11

QUESTIONS	ANSWERS
	<i>LTD (non-Workers' Compensation)</i> <i>PSE036</i> <i>Leave Code</i> <i>11</i> <i>LTD (Workers' Compensation)</i> <i>PSE037</i> <i>Leave Code</i> <i>13</i>
How do I bring an employee back to work from STD, LTD-Working or LTD?	Use PSE002 – Rehire. If you're bringing back a <u>classified</u> employee, you'll get a screen for PSE027 – Return from Short-term or Long-term Disability Leave. If you're bringing back <u>faculty</u> you'll get a screen for PSE304 – Faculty Return from Short-term or Long-term Disability Leave.
Example of movement between Leave With Pay (STD), LTD-working and LTD	<i>STD effective 06-01-01</i> <i>PSE034 LV CD 10</i> <i>STD working status 8-09-01</i> <i>no change in PMIS</i> <i>LTD-working status 01-01-02</i> <i>PSE180 LV CD 14</i> <i>LTD status 02-13-02</i> <i>PSE036 LV CD 11</i> <i>Released to work restrictions</i> <i>No PMIS entry – hire hourly</i> <i>Released to return full-time/full-duty</i> <i>PSE002/PSE027</i> <i>Returns to LTD within 180 days</i> <i>PSE036 LV CD 11</i> <i>Released to return FT/FD – No Job</i> <i>PSE109 –Note in comments</i>
What code is used to separate an LTD employee from PMIS? (Contingent on receiving Action Report from CORE releasing the employee to full-time/full-duty, or the employee resigns.)	<i>Separation – LTD</i> <i>PSE139</i> <i>Note: Separation date should reflect last day disability covered by CORE.</i>

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a “disability” as defined by ADA.

*Agencies may need to assess the accommodations under the Americans with Disabilities Act if the employee has a “disability” as defined by ADA.